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6 ATTORNEY FOR MARCUS ALLEN MARTINEZ

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 \* \* \*

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MARCUS ALLEN MARTINEZ,

15 Defendant.

3:12-CR-105-RCJ-VPC

**DEFENDANT'S MOTION FOR  
REASSIGNMENT OF THIS CASE TO  
THE HONORABLE JUDGE McKIBBEN  
FOR CONSOLIDATION WITH CASES  
3:11-CR-015-HDM-VPC AND 3:08-CR-  
101-HDM-VPC**

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18 CERTIFICATION: This Motion is timely filed since there is no filing deadline for filing of these  
19 motions.

20 Defendant, MARCUS ALLEN MARTINEZ, by and through his attorney of record,  
21 CYNTHIA S. HAHN, Assistant Federal Public Defender, hereby moves this Honorable Court for  
22 an order reassigning this case to the Honorable Judge McKibben and consolidating it with the  
23 defendant's pending federal supervised release violation hearings in criminal cases 3:11-CR-015-  
24 HDM-VPC and 3:08-CR-101-HDM-VPC.

25 This motion is made in the interest of judicial economy and to permit the adjudication of the  
26 three pending matters at the same time. Mr. Martinez's cases, 3:11-CR-015-HDM-VPC and 3:08-  
27  
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1 CR-101-HDM-VPC, are currently set for hearing on January 30, 2013 at 10:00 a.m.<sup>1</sup> Mr. Martinez,  
2 undersigned counsel, and the government are in agreement in consolidating the three cases for  
3 disposition in front of Judge McKibben as a plea disposing of all cases has been offered by the  
4 government and accepted by Mr. Martinez.

5 Reassigning this case to Judge McKibben will permit the parties to consolidate the  
6 adjudication of the three matters before one judge and thus conserve judicial and prosecutorial  
7 resources. The probation department will also be able to prepare one presentence report that  
8 addresses all sentencing and supervised release issues involved in the three cases.

9 As stated, *supra*, Assistant United States Attorney, Carla B. Higginbotham, is in agreement  
10 with the reassignment and consolidation of this case as set forth above.

11 RESPECTFULLY SUBMITTED this 21st day of December, 2012.

14 /s/ Cynthia S. Hahn

15 CYNTHIA S. HAHN

16 Assistant Federal Public Defender

Counsel for MARCUS ALLEN MARTINEZ

18 **IT IS SO ORDERED**

19   
20 U.S. DISTRICT JUDGE

21 DATED: 12-26-2012

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27 <sup>1</sup> Should this Court reassign the instant case as requested, Mr. Martinez will be asking Judge  
28 McKibben for an earlier change of plea date.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the law offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on December 21, 2012, she served a copy of the above and foregoing document by e-filing, by facsimile, and by mailing, via United States Postal Service, a true and correct copy to the person named below:

CARLA B. HIGGINBOTHAM  
ASSISTANT U. S. ATTORNEY  
100 WEST LIBERTY, #600  
RENO, NEVADA 89501

BARBARA HUNT  
UNITED STATES PROBATION  
400 SOUTH VIRGINIA, ROOM 103  
RENO, NEVADA 89501

MARCUS ALLEN MARTINEZ  
(By mail only)

/S/ Barbara Tapia-Shipp  
Employee of the Federal Public Defender